

**Fenwick Island Town Council**  
**Minutes of the Special Meeting of January 19, 2011**

Call to order and flag salute by Mayor Serio at 10:00 AM  
Council Members Present: Langan, Bunting, Smallwood, Weistling, Carmean, Tingle, Serio  
Council Members Absent: None  
Others Present: Town Manager Abbott, Chief of Police Boyden

**Mayor Serio** stated that the purpose of the meeting is to discuss in a timely fashion personnel items and questions concerning equality of pay scale for the Fenwick Island Police Department. There is also a matter concerning the recent paving project that needs to be addressed.

**Approve minutes of Special Meeting of December 8, 2010**

Motion to approve – Council Member Carmean  
Second – Council Member Smallwood  
Discussion – None  
Vote: 7-0  
Minutes Approved

**Old Business – Town Manager Abbott**

- Mr. Abbott reported that street paving is complete but there is a drainage problem on SR1 at Georgetown Street. He has contacted parties involved and they have assured him that the repairs will be made when weather allows. Cost \$2800. Since the cost of the project was below the original bid, this amount will be taken from the reserve set up for that purpose. The cost will remain less than \$2300 below bid even with the additional repair cost. Mr. Abbott requested Council's approval to pay the original bill now and the cost of the additional repair when completed.

Motion to approve payment of original bill to Jerry's Paving – Council Member Carmean

Second – Council Member Langan

DISCUSSION

Council Member Weistling noted the need to address drainage problems before paving in the future.

Vote: 7-0

Motion to approve payment approved.

- Mr. Abbott advised that he will need to transfer funds from the Realty Transfer Fund to General Funds in order to make the above payment.
- Mr. Abbott advised that he has had difficulty securing a bid for the HVAC project. The initial bid process did not result in any bids. The Delaware Energy Office provided the name of a firm who might be able to accomplish the project. That firm, Henderson Mechanical, has bid \$29,200 to include replacement of three (3) heat pumps. It does not include replacing water heating equipment. The grant is for \$20,000 but he has been advised by the grantor that **unused** funds from the successful Solar Panel Project grant may be used to fund the remaining amount **if needed. Mr. Abbott explained that, should the HVAC job exceed the amount of the grant awarded for the project, he has been advised by the Delaware Energy Office that funds in excess of the cost to install solar panels may be used to compensate for the additional cost of the HVAC project.** Mr. Abbott requested Council's approval to award the contract.

Motion to award the contract – Council Member Carmean

Second – Council Member Smallwood

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#### DISCUSSION

Mr. Abbott noted that, due to Federal Guidelines for this grant, bidders must show their willingness to comply with wage guidelines as set forth in the Davis-Bacon Act. The Davis-Bacon Act of 1931 is a Federal law which established the requirement for paying prevailing wages on public works projects. Council Members Bunting and Tingle asked how much is being saved by not doing the water heater replacement and asked if the current water heater needed to be relocated in order to accomplish the installation of the heat pumps. Mr. Abbott advised that the water heater did not need to be moved. Council Member Bunting suggested that replacing the water heater be considered sometime in the future. Mayor Serio questioned if the Council is required to approve funds for the project at this time; Mr. Abbott responded it was not necessary to do so at this time.

Vote: 7-0

Motion to award contract approved.

- Mr. Abbott reported that the Solar Panel Project has been advertized and bids will be opened on February 4, 2011. He suggested Council meet before then to discuss the bid requirements. Council member Weistling asked if this project falls under Davis-Bacon requirements; Mr. Abbott advised that it does.
- Mr. Abbott advised that his request for grant funds from the Delaware Land and Water Conservation Trust Fund is pending. Funds will be used for the purchase of Mobi Mats. It is a 50/50 match grant.
- Mr. Abbott reported that his request for Recycling Grant funds from DNREC is pending. Funds will be used to purchase recycling bins for those who have not yet signed up for the curbside recycling program and for educational outreach. The Town's match is the cost of shipping. The Town must fully implement curbside recycling no later than September 15, 2011. The stated goal is a 72% diversion rate.

#### DISCUSSION

Council Member Weistling asked if the request for 260 carts could be increased so that some households might obtain a second cart. Mr. Abbott was uncertain if he could. Council Member Bunting suggested that some bins might "disappear" and asked how the Town would handle replacement bins. Mayor Serio suggested that property owners be advised that the first bin is free but missing ones or if they want a second bin they will pay for it. Council Member Carmean suggested that this might slow the rate of loss.

- Council Member Bunting asked if Council would address the new yard waste regulations; Mayor Serio suggested that property owners remove their own waste until Council can formulate a policy. Council Member Bunting suggested that the requirement for yard waste removal be made a part of the trash removal bid process in the future.

#### **New Business – Town Manager Abbott**

- Town Manager Abbott reported that he has successfully challenged the increase in Worker Comp coverage in the new insurance policy package. The 11% increase was reduced to a 3% increase.
- Mr. Abbott reported that the State Unemployment Insurance rate has increased. It is set by law and will not be reduced.
- The Town's Beach Replenishment Fund will be moved from Wilmington Trust to another bank to take advantage of a better rate of return. Council Member Carmean questioned why these funds could not be placed in a CD. Mayor Serio noted that the funds might be required soon. Council Member Smallwood advised that the Town could still place those funds in a CD and use the Town's Operating Fund to pay the Beach Replenishment costs and cash the CD in when the project is completed.

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- Town Manager Abbott supplied Council with a copy of his presentation to be given to the Planning Commission on Friday, January 21, 2011. The meeting is at 2:30 and Council is welcome to attend. Subject is the Pedestrian Improvement Project. This project will emphasize Economic Development benefits of completing the Town's sidewalks.

Motion to move into Executive Session to discuss personnel and legal matters – Council Member Bunting  
Second – Council Member Langan  
Meeting went into Executive Session at 10:40 AM.

Meeting returned to Public Session at 12:00 noon.

Motion to authorize Mayor Serio to proceed as directed by Council to contact the Town Attorney regarding contractual issues discussed in Executive Session – Council Member Carmean  
Second – Council Member Smallwood

Discussion – None

Vote: 7-0

Motion passed

Motion to equalize pay to all Fenwick Island Police Department Corporals' pay retroactive from August 1, 2010 and to review police department pay scale policy – Council Member Tingle

Second – Council Member Carmean

Discussion – None

Vote: 7-0

Motion passed

**Motion to adjourn** – Council Member Bunting

Second: Council Member Carmean

Vote: 7-0

Meeting adjourned at 12:03 PM.

Respectfully submitted,

Diane Tingle, Council Secretary

Transcribed by Agnes DiPietrantonio, Town Clerk